

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)
_____)

THIS DOCUMENT RELATES TO:

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Abbott Laboratories,)
Inc., Civil Action No. 06-11337)

MDL No. 1456

Civil Action No. 01-12257-PBS

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Dey LP, et al., C.A.)
No. 05-11084)

Hon. Patti B. Saris

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Boehringer)
Ingelheim Corp., et al., Civil Action No. 07-)
10248-PBS)

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO MODIFY BRIEFING
AND ARGUMENT SCHEDULE**

Plaintiffs United States of America and Relator Ven-A-Care of the Florida Keys, Inc., hereby respond to the Motion to Modify Briefing and Argument Schedule collectively filed by Boehringer Ingelheim Corporation, Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., and Roxane Laboratories, Inc., Dey, Inc., Dey L.P., Inc., and Dey L.P., and Abbott Laboratories, Inc. ("Defendants").

The Plaintiffs believe this case should move forward with the summary judgment hearing on October 20 as the Court scheduled. The oral argument on summary judgment may well streamline evaluation of Defendants' seven other motions, the majority of which will not be fully briefed until mid-November.

Respectfully submitted,

For the United States of America,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above Response to Defendants' Motion to Modify Briefing and Argument Schedule to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: September 10, 2009

/s/ Ann M. St. Peter-Griffith

Ann M. St. Peter-Griffith